

REMARKS

The application has been carefully reviewed in light of the Office Action dated June 20, 2005. Claims 1, 17, 25 and 32 have been amended. Claim 24 has been canceled. Claims 1-18, 20-23, 25-27, 29-33 and 35-37 remain pending in this case. Applicants reserve the right to pursue the original claims in this application and in other applications.

A telephonic interview occurred between Applicants' representative, Devon Grant and Examiner Hoosain on December 13, 2005. Applicants express their appreciation to the Examiner for taking the time to conduct a productive and pleasant interview. The interview covered the pending claims. Aspects of novelty regarding the claimed invention were discussed. Prior to the conclusion of the interview, Applicants' representative and Examiner Hoosain discussed amending the claim language and submitting arguments to differentiate the claimed invention from the cited art. Examiner Hoosain stated that none of the cited references disclose having the SCP instruct the SSP to route calls to a called party.

Claims 1-18, 20-27, 29-33 and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler, Jr. ("Wheeler") (U.S. Patent No. 5,583,920) in view of McKinley, Jr. et al. ("McKinley") (U.S. Patent No. 6,665,377). Applicants traverse the rejection and respectfully request reconsideration.

Amended claim 1 recites in an advanced intelligent network, a method for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number comprising, *inter alia*, receiving a message that includes the identifying information at the first network element; and dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line by instructions from the first network element.

Claim 12 recites in an advanced intelligent network with GR-1129 capabilities, a system for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number comprising, *inter alia*, a first network element having VAD capability and being operative to determine that a calling line associated with the first calling line number is subscribed to VAD service, a second network element being operative to query the first network element for instructions to route the communication and provide the identifying information to the first network element and upon receiving the query from the second network

element, the first network element being operative to instruct the second network element to complete the communication between the calling line and the called line.

Amended claim 17 recites in an advanced intelligent network with GR-1129 capabilities, a method for preserving billing and interexchange carrier preferences of a subscriber using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number comprising, *inter alia*, receiving a message from the intelligent peripheral that includes the identifying information and dropping the call path between the calling line and the intelligent peripheral, sending communication routing instructions from a first network element to a second network element, and completing the communication between the calling line and the called line.

Claim 26 recites in an advanced intelligent network, a system for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number comprising, *inter alia*, a first network element being operative to analyze a call directed to a feature code from a calling line to determine whether the calling line associated with the first calling line number is subscribed to VAD service, upon translation of the utterance, the intelligent peripheral being operative to deliver the identifying information to the first network element, and the first network element being operative to instruct the second network element to route the communication to the called line.

Amended claim 32 recites in an advanced intelligent network, a method for preserving billing and interexchange carrier preferences of a subscriber using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number comprising, *inter alia*, receiving a message that includes the second calling line number and dropping the call path between the calling line and the intelligent peripheral, sending communication routing instructions from a first network element to second network element and completing the communication between the calling line and the called line.

Wheeler discloses utilizing an intelligent peripheral (IP) of an advanced intelligent telephone network to perform a variety of functions relating to broadband information distribution, in addition to functions for processing telephone calls. The IP of Wheeler can formulate a query or other format message including any dialed digits received or information indicating a lack of receipt of digits and transmit that data message back up to the ISCP through the second signalling communication system. The ISCP 40 will utilize the information from the

latest IP query message to again access the stored data tables in the SCP database 43, formulate an appropriate instruction for further processing and transmit that instruction back to the IP via the second signalling communication network. See Wheeler column 31 line 59 through column 32 line 1.

McKinley discloses a networked system of voice-activated dialers (VAD). When a calling party wishes to make a telephone call to a called party, the calling party dials a pre-designated telephone number to connect with a first VAD. The calling party then utters the name of the called party, and additionally specifies a second VAD or other information that could be used to find a second VAD by means of which the called party may be reached. See McKinley column 2, lines 1-7. In addition, McKinley discloses that the first VAD 102 is additionally configured to function as intelligent peripheral (IP), which is a part of an Intelligent Network (IN). The IP can be configured to perform some functions presently performed by other elements of a telephone network such as the Service Control Point (SCP) or a Service Switching Point (SSP). In general, an IP is configured to provide announcements to a party--such as a calling party--and collect information--such as additional digits required or a spoken utterance--to complete a call. See McKinley column 4, lines 38-48.

However, the Office Action fails to establish a *prima facie* case of obviousness for the subject matter of claims 1, 12, 17, 26 and 32. Courts have generally recognized that a showing of a *prima facie* case of obviousness necessitates three requirements: (i) some suggestion or motivation, whether in the references themselves or in the knowledge of a person of ordinary skill in the art to modify the reference or combine the reference teachings; (ii) a reasonable expectation of success; and (iii) the prior art references must teach or suggest all claim limitations. See e.g., In re Dembiczak, 175 F.3d 994 (Fed. Cir 1999); In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998); Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573 (Fed. Cir. 1996). The references used in the Office Action fail at least the third prong of obviousness in that the prior art references do not disclose all claim limitations.

The combination of Wheeler and McKinley fails to disclose all the limitations of claims 1, 12, 17, 26 and 32. Specifically, Wheeler and McKinley fail to disclose receiving a message that includes the identifying information at the first network element; and dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line by instructions from the first network element, as

recited in claim 1. To the contrary, Wheeler uses an IP to instruct the SSP when transferring between the calling line and the called line. McKinley does not address such a limitation. Accordingly, the rejection of claim 1 should be withdrawn.

The combination of Wheeler and McKinley fails to disclose a second network element being operative to query the first network element for instructions to route the communication and provide the identifying information to the first network element and upon receiving the query from the second network element, the first network element being operative to instruct the second network element to complete the communication between the calling line and the called line, as recited in claim 12. As mentioned above with respect to claim 1, Wheeler uses an IP to instruct the SSP and does not use a first network element to instruct a second network element. McKinley also fails to disclose such a limitation. Thus, such a claim limitation is congruent with the subject matter stated as novel during the Examiner Interview of December 13, 2005. Accordingly, the rejection of claim 12 should be withdrawn.

The combination of Wheeler and McKinley fails to disclose receiving a message from the intelligent peripheral that includes the identifying information and dropping the call path between the calling line and the intelligent peripheral, sending communication routing instructions from a first network element to a second network element, and completing the communication between the calling line and the called line, as recited in claim 17. Wheeler uses the IP to provide routing instructions. McKinley also fails to disclose such a limitation. Accordingly, the rejection of claim 17 should be withdrawn.

The combination of Wheeler and McKinley fails to disclose a first network element being operative to analyze a call directed to a feature code from a calling line to determine whether the calling line associated with the first calling line number is subscribed to VAD service, upon translation of the utterance, the intelligent peripheral being operative to deliver the identifying information to the first network element, and the first network element being operative to instruct the second network element to route the communication to the called line, as recited in claim 26. As mentioned above with respect to claim 1, neither Wheeler nor McKinley discloses such a limitation. Thus, the claim language of claim 26 is congruent with the subject matter stated as novel during the Examiner Interview of December 13, 2005. Accordingly, the rejection of claim 26 should be withdrawn.

The combination of Wheeler and McKinley fails to disclose receiving a message that includes the second calling line number and dropping the call path between the calling line and the intelligent peripheral, sending communication routing instructions from a first network element to second network element and completing the communication between the calling line and the called line, as recited in claim 32. As mentioned above with respect to claim 17, neither Wheeler nor McKinley discloses such a limitation. Accordingly, the rejection of claim 32 should be withdrawn.

Thus, Wheeler and McKinley whether considered alone or in combination fail to disclose all the limitations of claims 1, 12, 17, 26 and 32. Accordingly, claims 1, 12, 17, 26 and 32 are allowable over Wheeler and McKinley, or a combination thereof. Claims 2-11 depend from claim 1, claims 13-16 depend from claim 12, claims 18 and 20-23 and 25 depend from claim 17, claims 27 and 29-31 depend from claim 26 and claims 33 and 35-37 depend from claim 32, and are allowable over the combination Wheeler and McKinley of along with claims 1, 12, 17, 26 and 32, for the reasons mentioned above and on its own merit.

Claims 1-18, 20-27, 29-33 and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of McKinley, further in view of Schier et al. (U.S. Patent No. 6,233,316). Applicants traverse the rejection and respectfully request reconsideration.

Claims 2-11 depend from claim 1, claims 13-16 depend from claim 12, claims 18 and 20-23 and 25 depend from claim 17, claims 27 and 29-31 depend from claim 26 and claims 33 and 35-37 depend from claim 32, and are allowable over the combination of Wheeler and McKinley along with claims 1, 12, 17, 26 and 32, for the reasons mentioned above and on its own merit. In addition, the Office Action notes that Wheeler and McKinley fail to disclose service codes (feature codes). In order to overcome this deficiency in the combination of Wheeler and McKinley, the Office Action relies on Schier.

Schier discloses a method for adding the enhancement of a voice activated dialing option to a standard calling card which may be used by an individual quickly and inexpensively. Schier also discloses that as an example, the VAD option service code may be "*VAD" or "#56", depending on the structure of the particular service provider's protocol. See Schier column 6, lines 30-34.

However, Schier fails to disclose all the limitations of claims 1, 12, 17, 26 and 32. Instead, Schier is directed to a voice enhanced phone card which uses the pre-existing calling

card systems and call flow, coupled with known telephone switching capabilities, to permit a caller to access voice activated dialing only when the caller desires it, and does not remedy any of the deficiencies in the combination of Wheeler and McKinley as they relate to the limitations of claims 1, 12, 17, 26 and 32. Thus, Wheeler McKinley and Schier whether considered alone or in combination fail to disclose all the limitations of claims 1, 12, 17, 26 and 32. Accordingly, claims 1, 12, 17, 26 and 32 are allowable over Wheeler McKinley and Schier, or a combination thereof. Claims 2-11 depend from claim 1, claims 13-16 depend from claim 12, claims 18 and 20-23 and 25 depend from claim 17, claims 27 and 29-31 depend from claim 26 and claims 33 and 35-37 depend from claim 32, and are allowable over the combination of Wheeler McKinley and Schier along with claims 1, 12, 17, 26 and 32, for the reasons mentioned above and on its own merit.

CONCLUSION

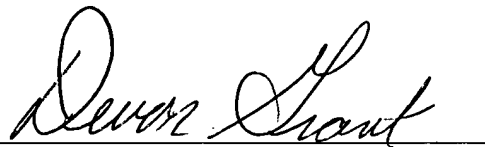
A request for a three-month extension of time is requested for the period of September 20, 2005 through December 20, 2005, and is submitted with this amendment.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned please contact Applicants' undersigned attorney at 404.954.5040.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD, LLC



Devon K. Grant

Reg. No. 57,036

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Merchant & Gould
P.O. Box 2903
Minneapolis, Minnesota 55402-9946
Telephone: 404.954.5100

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